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PARLEMENT EUROPEEN

COMMISSION DES AFFAIRES ETRANGERES ET DE SECURITE

Sous-commission "Droits de l'homme"

Délégation pour les relations avec les pays
membres de l'ANASE et la République de Corée (OIPA)

Communication aux membres

Les membres trouveront en annexe, pour information, un rapport sur le Timor oriental présenté par Amnesty International au comité spécial de la décolonisation des Nations unies. Ce rapport est uniquement diffusé dans la langue originale, l'Anglais.

DIRECTION GENERALE DES COMMISSIONS
ET DELEGATIONS

Annexe

12 février 1992

ANNEX

[EMBARGOED FOR 7 AUGUST 1991]

amnesty international

EAST TIMOR

Amnesty International Statement to the United Nations Special Committee on Decolonization

August 1991

August 1991
AI Index: ASA 21/14/91
Distr: SC/CO

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

[EMBARGOED FOR 7 AUGUST 1991]

amnesty international

EAST TIMOR

Amnesty International Statement to the United Nations Special Committee on Decolonization August 1991

AUGUST 1991 **SUMMARY** **AI INDEX: ASA 21/14/91**

DISTR: SC/CO

Amnesty International presented its concerns about human rights in East Timor before the United Nations Special Committee on Decolonization on 7 August 1991. Amnesty International takes no position on the issue of East Timor's political status. As in previous years, it presented its concerns before the Committee in the belief that the discussion of East Timor's political future must be informed by an understanding of the human rights situation in the territory.

Amnesty International welcomes recent statements that the Government of Indonesia intends to play a more active role within the international human rights community. It notes, however, that serious violations have continued to occur in East Timor over the last year. It is particularly concerned by an accelerating pattern of short-term detention, torture and ill-treatment of alleged political opponents, many of whom may be prisoners of conscience, persistent reports of extrajudicial executions, hundreds of unresolved cases of "disappearance", and the continued imprisonment of at least nine alleged *Fretilin* supporters sentenced in trials which Amnesty International believes were unfair.

Serious limitations remain on the reporting of human rights developments in East Timor in spite of the "opening" of the territory to tourism and commerce in January 1989. A number of people have reportedly been detained, ill-treated and threatened by members of the security forces as a consequence of their efforts to monitor or report human rights violations. Notwithstanding the government's public statements to the effect that foreign observers and international organizations are welcome to visit East Timor, and in spite of repeated requests, Amnesty International has not yet been permitted to visit the territory. The continued denial of access raises serious questions about the sincerity of the government's commitment to protecting and promoting human rights.

A pattern of short-term detention, torture and ill-treatment of suspected political opponents, described in previous reports, has accelerated in the past year. In Amnesty International's view it appears to be part of a systematic strategy to silence real or suspected political opponents of the government and to obtain political intelligence through coercion and intimidation. More than 400 people have been detained since late 1988 -- at least 200 of them since early 1990 -- for their alleged involvement in pro-independence political activities. Many of those detained may be or may have been prisoners of conscience. Suspects are typically held in police or military detention centres or unofficial safehouses for periods ranging from a few hours to several weeks. It is in these detention centres, which are seldom seen by visiting journalists or government delegations, that detainees are most likely to be ill-treated or tortured. Most are not formally charged or tried, but are instead held in arbitrary, unacknowledged detention for periods ranging from a few days to several weeks.

Many of those detained have reportedly been tortured or ill-treated in custody. The forms of ill-treatment and torture alleged include beatings with iron bars, batons, fists and lengths of cable and bamboo, burning with lighted cigarettes, sexual molestation and rape, slashing with razor blades, food deprivation, immersion for long periods in fetid water, death threats and electrocution. In view of the clear evidence that suspected political opponents of Indonesian rule in East Timor have been systematically ill-treated and tortured while under interrogation, Amnesty International has concluded that the safety of all those detained for questioning, however briefly, by members of the security forces in connection with their alleged political activities, must be considered at risk.

Amnesty International believes that many of the hundreds of people reported to have "disappeared" since 1975 may have been killed. It is also deeply concerned at the number of persons more recently reported to be held for periods up to several weeks in unacknowledged detention. Most of the hundreds of people detained in recent years have been released after a few days or weeks, but because the authorities seldom make public the names of those detained or released, the whereabouts and the fate of detainees may remain unclear for some time. In view of the clear evidence that political detainees may be tortured or ill-treated in custody, Amnesty International is seriously concerned for the safety of all those who have been reported as "disappeared". It urges the Indonesian authorities to clarify promptly the whereabouts of all those reported as missing after their arrest.

Amnesty International has heard the testimony of former political prisoners, and has obtained trial documents which substantially confirm the conclusion that political trials in East Timor have been unfair. While the government insists that they are open to the public, it has not allowed qualified international observers to attend such trials. In the interest of ensuring the fairness of future political trials in East Timor, Amnesty International urges that political trials be made accessible to qualified international observers and that documents from political trials be made available to Amnesty International and other international organizations which may request them.

At least 30 people, and possibly many more, were killed by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions. A number of extrajudicial executions reported by Amnesty International last year have since been confirmed, and the organization continues to receive new information concerning hundreds of politically-motivated killings committed by government forces in the 1970s and 1980s. In view of the established pattern of past killings and the inherent gravity of the current allegations Amnesty International believes that the government has a clear obligation to investigate immediately all such reports, to make public the results of any such investigations and to bring the suspected perpetrators promptly to justice.

Amnesty International believes that, to date, the government's response to credible reports of violations has not reflected a full appreciation of its responsibilities under international law and has, in effect, permitted the pattern of violations to continue. The government has been reluctant to respond substantively to detailed allegations of human rights violations in East Timor; it has preferred to question the political motives of those, including Amnesty International, who have reported them. The government has also attempted to defuse criticism by claiming that members of the security forces responsible for human rights violations have been disciplined or brought to justice. Yet to date, Amnesty International does not know of a single police or military officer who has been convicted of torture, extrajudicial execution or any other serious human rights offence committed in East Timor. If its stated commitment to the promotion and protection of human rights in East Timor is to be taken seriously the government must undertake to investigate in good faith all alleged human rights violations promptly and impartially, make public the results of such inquiries and bring the suspected perpetrators promptly to justice. All qualified observers, including those who have been critical of Indonesia's human rights record, ought to be welcomed to visit and assess the situation for themselves.

Amnesty International urges the government to act openly and fully in accordance with basic human rights standards and principles based in international law and to accede as soon as possible to the most important international human rights treaties such as the ICCPR. As a member of the United Nations Commission on Human Rights, it is now of particular importance that the Government of Indonesia acknowledge and adhere to these standards.

This report summarizes a 37-page document (11,590 words), *East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization - August 1991* (AI Index: ASA 21/14/91), issued by Amnesty International in August 1991. Anyone wanting further details or to take action on this issue should consult the full document.

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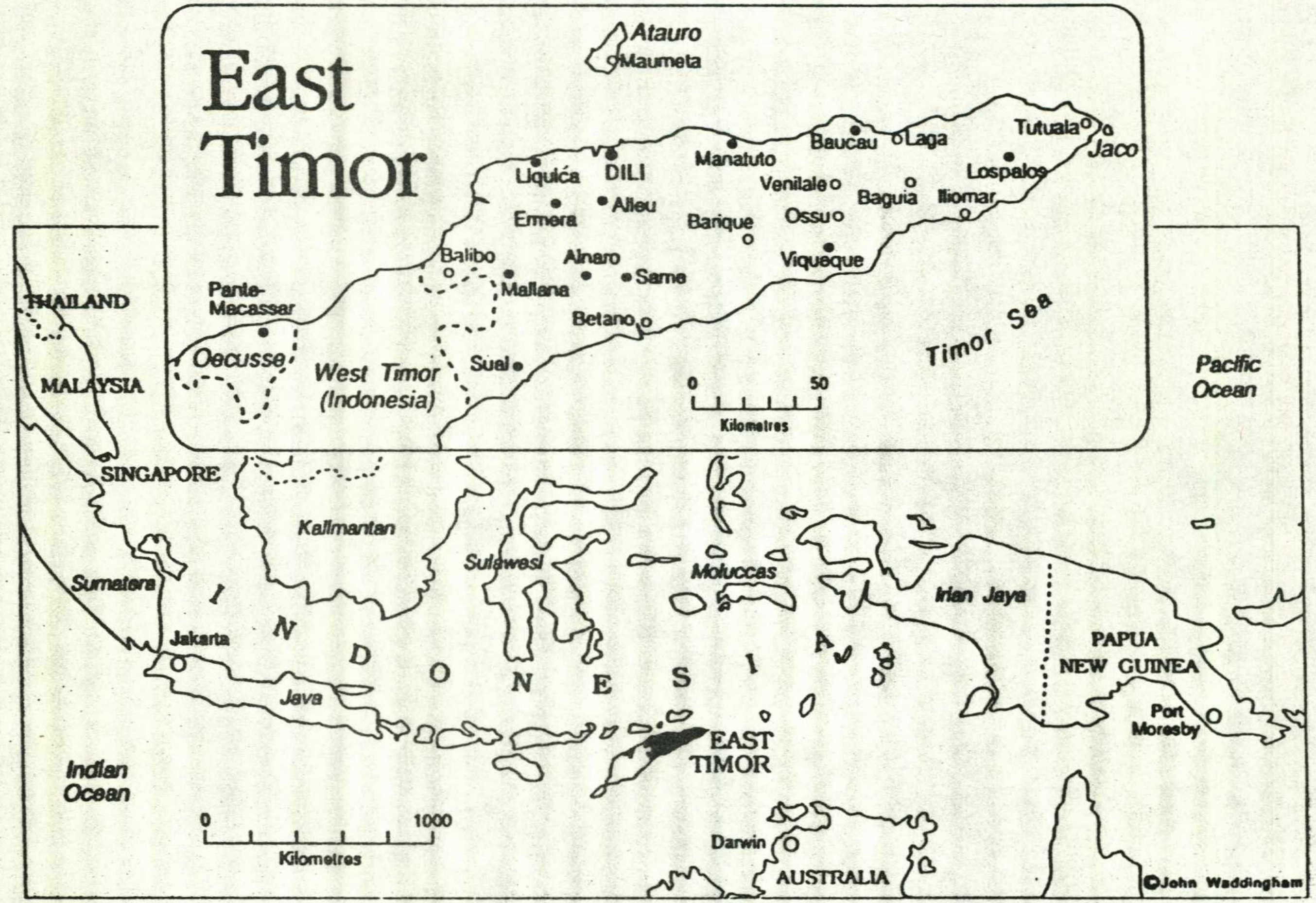
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Pacific Ocean
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AUSTRALIA
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EAST TIMOR
Amnesty International Statement to the United Nations Special Committee on Decolonization
August 1991

1. Introduction

Thank you Mr Chairman for the opportunity to address this Committee and to present to it Amnesty International's concerns about human rights in East Timor. Amnesty International does not take a position on the issue of East Timor's political status. We are presenting our concerns here, as we have done in previous years, because we believe that the discussion of East Timor's political future must be informed by an understanding of the human rights situation in the territory.

Mr Chairman, Amnesty International has welcomed recent statements that the Government of Indonesia intends to play a more active role within the international human rights community, not least through its membership of the United Nations Commission on Human Rights. We note that the government has taken the positive step of inviting the United Nations Special Rapporteur on Torture to visit Indonesia later this year. We also welcome the government's statement before the Commission in February 1991 that, with respect to East Timor, "...the promotion of human rights continues to be the main concern of the Government of Indonesia".[1] However, we note with regret that, over the last year, very serious violations have continued to occur in East Timor. Amnesty International is particularly concerned by an accelerating pattern of short-term detention, torture and ill-treatment of alleged political opponents, many of whom may be prisoners of conscience. We remain concerned by the continuing imprisonment of at least 9 alleged *Fretilin* members, sentenced in trials which Amnesty International believes were unfair, persistent reports of extrajudicial executions and hundreds of unresolved cases of "disappearance".

Serious limitations remain on the reporting of human rights violations in East Timor in spite of the "opening" of the territory to tourism and commerce in January 1989. Those suspected of disseminating human rights information in East Timor and in Indonesia are closely watched by the authorities and have a well-founded fear that they may themselves become victims. Telephone and postal communications are monitored; contacts with foreign journalists and tourists or with international organizations like the

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[1] Government of Indonesia, Right of Reply, Item 12, 27 February 1991.

International Committee of the Red Cross (ICRC) are treated with suspicion and are sometimes the subject of investigation by the intelligence authorities. While some foreign visitors have been able to travel with apparent freedom in certain parts of the territory, most continue to be subjected to close surveillance by military and police intelligence. Finally, notwithstanding government assurances that access to the territory is unrestricted, and in spite of repeated requests, Amnesty International has not yet been permitted to visit East Timor or Indonesia.

Amnesty International believes that, to date, the government's response to credible reports of violations has not reflected a full appreciation of its responsibilities under international law and has, in effect, permitted the pattern of violations to continue. It has been reluctant to initiate prompt and impartial investigations of alleged human rights violations, or to bring suspected perpetrators to justice. It has preferred to issue general denials of even the most fully documented allegations and to question the motives of those who have reported them. In spite of the fact that it has become a full member of the United Nations Commission on Human Rights, Indonesia has yet to ratify the most important international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR). In Amnesty International's view the government must demonstrate its stated commitment to the promotion and protection of human rights in East Timor by undertaking to investigate in good faith all alleged human rights violations promptly and impartially, by making public the results of any such inquiry and by bringing the suspected perpetrators promptly to justice. We would also urge the government to accede to the ICCPR and other international human rights covenants as soon as possible, an initiative which in the words of the UN Secretary General, "is one of the most concrete demonstrations a state can make of its commitment to human rights."

2. Political Prisoners

In its statements to this Committee in 1989 and 1990 Amnesty International expressed concern about an emerging pattern of short-term detention, ill-treatment and torture in East Timor. This pattern has accelerated in the past year. In Amnesty International's view it appears to be a systematic strategy to silence real or suspected political opponents of the government and to obtain political intelligence through coercion and intimidation.

Amnesty International has learned the names of more than 400 people who have been detained in East Timor since late 1988 for their alleged involvement in pro-independence political activities; at least 200 have been detained since early 1990. We believe that many of those detained may be or may have been prisoners of conscience.

[Only a small minority are believed to be *Fretilin* guerrilla fighters. The majority have been students and other young people alleged to have taken part in a series of pro-independence demonstrations. A considerable number of civil servants, labourers and farmers accused of pro-independence sentiments or activities have also been arrested. People who have monitored and reported human rights violations and the relatives of suspected political activists have been at risk of detention and intimidation by Indonesian police and military forces.][2]

[Despite repeated requests by Amnesty International, the Indonesian authorities have not made public the names of prisoners detained in recent years for political offences and they have consistently understated the number of detainees. Referring to detentions made in late 1989 and January 1990, the government said in June 1991 that "a few students were held for questioning concerning the purpose of their disruptive actions..." and were later brought to trial. It did not mention the names of those tried and provided no details of the charges brought or the verdict of the court. On 13 February 1991, East Timor's Governor Mario Carrascalao said that all political prisoners detained in late 1990 and early 1991 had been released except three, whom he did not name, who were to stand trial.[3]]

[According to independent sources, however, there were at least 31 political prisoners in Dili's prisons alone as of April 1991 and another six in Cipinang prison in Jakarta (see Appendix I). Amnesty International believes that dozens of others may still be held in police or military detention centres in East Timor's outlying districts. The majority of those known to be held were people arrested within the past year. Those held in Dili included a number who were reported to have been tortured and ill-treated during interrogation, whose cases are described later in this statement. Amnesty International is investigating the reasons for the arrest of these people to determine whether they are prisoners of conscience imprisoned for their non-violent political activities or beliefs.]

[At least nine political prisoners tried in the mid-1980s and convicted of supporting *Fretilin* remained in prison in early 1991 serving sentences of between 7 and 17 years. Most are believed to have been ill-treated under interrogation and were sentenced in trials which Amnesty International believes were unfair. Six of these long-term political prisoners were held in Cipinang prison and three were held in Dili's Becora prison. As in past years, Amnesty International is concerned that East Timorese prisoners serving sentences in Jakarta are effectively denied regular access to relatives.]

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[2] Parts of the text enclosed in square brackets [] were not included in the oral presentation before the UN Special Committee on Decolonization.

[3] According to media reports the Governor told Australian journalists in February 1991 that 50 civil servants had been interrogated about their political activities; eight had had action taken against them and three were awaiting trial.

[One of those still held in Cipinang prison was **David Dias Ximenes**, aged 42, who was a lieutenant in the Portuguese army at the time of the Indonesian invasion of East Timor in 1975. He is not known to have been openly affiliated with *Fretilin* and there is reason to believe he was imprisoned solely for his expression of East Timorese nationalist views. Amnesty International believes that he may be a prisoner of conscience and continues to investigate his case. David Ximenes was one of about 600 people arrested following an attack by *Fretilin* forces on an Indonesian army post in June 1980. He was imprisoned without trial for more than three years before being sentenced to 15 years for his alleged links with *Fretilin*. After his arrest he was detained for about one month at a military "safehouse" in Dili where he and other political detainees were subjected to frequent beatings. He was later transferred to Comarca prison and in September 1983 he was moved again to a detention centre in the province of Bali. In early 1984 he was brought back to Dili to face trial; after sentencing he was sent to Cipinang prison together with 41 other East Timorese political prisoners (see photograph, Appendix II).]

[The most recent wave of arrests began following a large pro-independence demonstration which took place shortly after the celebration of Catholic Mass, on the occasion of the 50th anniversary of the Diocese of Dili on 4 September 1990. Although only one arrest was reported on the day of the demonstration, dozens of young people were detained in subsequent days and weeks. In October Indonesian security forces conducted raids on a number of schools in Dili where students had expressed pro-independence sentiments. Independent sources said that about 50 students were detained during the month, in connection with the demonstrations. More than 40 people from the villages of Soro and Suro Kraik in Ainaro district were reportedly arrested in October after Indonesian security forces found documents identifying villages sympathetic to the armed resistance. Most of the detainees were said to have been released after questioning but some remained in detention for several weeks. In late October and November at least 100 people were arrested in the districts of Dili, Liquica, Ainaro, Manatuto, Aileu and Motael. Among those arrested were young people who had sought refuge at the parish churches of Motael and Ainaro following the arrests earlier in October. Scores were reportedly detained for questioning in the sub-district of Bazartete, Liquica, including a number of civil servants, teachers and farmers accused of sympathizing with *Fretilin*. Ten of those detained were reported to have been held at the KODIM (*Komando Distrik Militer* -District Military Command) headquarters in Liquica. There were further arrests in December; at least ten people, most of them civil servants, were reportedly detained in Maliana and held at the KODIM. Dozens more were detained in Dili, Manatuto, Maliana and Lospalos in January and February 1991 including a member of the staff of the Governor of East Timor. Another wave of arrests was reported in Dili in May and in July at least seven people were arrested in the sub-district of Laga in Baucau, on suspicion of having links with the resistance, and detained at the Baucau KODIM.]

[A number of people have reportedly been detained, ill-treated and threatened by members of the security forces as a consequence of their efforts to monitor or report human rights violations. According to reports, **Ernesto Moniz** and **Pedro Moniz**, both students at the St Paul Catholic Secondary School in Dili, were picked up by military intelligence operatives shortly after the 15 October student demonstrations. They were reportedly accused of seeking assistance from the ICRC in Dili in order to assist others arrested earlier that day. The two boys were reportedly taken to a "safehouse" to the west of the Pertamina (the state oil company) depot outside of Dili, where they were said to have been beaten.]

East Timorese students involved in disseminating human rights and other information abroad have also been subjected to intensive surveillance by Indonesian military intelligence. Amnesty International has been given a copy of a secret military intelligence document, which it believes to be authentic, which describes the activities of East Timorese student activists in Denpasar, Surabaya, Jakarta, Yogyakarta and Salatiga, and outlines the measures being taken by the intelligence services to address the situation. It is noteworthy that none of the student activities described in the document is unlawful and none involves the use or advocacy of violence. Especially disturbing, in Amnesty International's view, is the fact that the activities considered threatening and worthy of investigation by military intelligence involve efforts to monitor and disseminate information about human rights and political questions. The suspect activities include:

> "Contacting the ICRC and other organizations abroad by telephone, post and other channels in order to convey information to discredit the Indonesian Government and gather sympathy and support for their "struggle".
>
> Conveying information via couriers, journalists and foreign tourists who come to Dili, Kupang, Denpasar and other cities.
>
> Copying and distributing leaflets and news briefings as propaganda to attract the sympathy and support of school pupils and university students."

The measures taken by the security forces in response to these alleged activities are equally disturbing. According to the document, the military authorities have undertaken to :

> "Continuously monitor and investigate their [ie the students'] activities both directly (through the intelligence apparatus) and indirectly through agents within the organizations (IMPETTU and RENETIL).
>
> "Investigate the activities of foreigners (tourists and journalists) who contact or have links with RENETIL members."

[Twenty students are identified by name in the document: **Fernando Araujo, Marciano Garcia, Carlos Lopes, Agapito Cardoso, Anicato Lopes, Benyamin Martins, Jose Pompei, Joaquin Gusmao, Joselino, Adelia, Egas Alves, Antonio Matos, Arlindo Parada, Teolofo, Francisco Cepeda, Lucas da Costa, Dominggus Sarmento, Jose Luis, Epidio, Manuel Abrantas**. Amnesty International believes that those named and others involved in monitoring and reporting human rights and political development in East Timor may be in danger of detention on account of their non-violent activities.]

[The relatives of real or suspected political activists have also been at risk of detention and intimidation by the security forces. According to reports, **Manuela Gusmao**, aged 35, was threatened with death by Indonesian soldiers who raided the family's house in Vila Verde, Dili on 31 April 1991, demanding to know the whereabouts of her brother, the resistance leader Xanana Gusmao. The relatives of other known political activitists said that such threats and raids were commonplace. In late May 1991 Amnesty International received reports that the parents of two East Timorese soccer players who defected while playing in a tournament in Australia and subsequently sought asylum in Portugal, had been summoned for interrogation by the authorities in Dili. The relatives of **Joao Pedro Ribeiro** and **Julio Goncalves do Rego**, many of whom had been involved in pro-independence activities, appealed for intervention by international organizations, including Amnesty International, to ensure that they would not suffer reprisals by the Indonesian authorities.]

2.1 The Pattern of Detention

Suspects are typically held in police or military detention centres or unofficial safehouses for periods ranging from a few hours to several weeks. It is in these detention centres, which are seldom seen by visiting journalists or government delegations, that detainees are most likely to be ill-treated or tortured. Most are released without formal charge, but they are often required to report weekly to the military or the police. They are also subject to rearrest on the slightest pretext or for "preventive" reasons in anticipation of a visit by a foreign delegation. A minority are held for longer periods and a small number are formally charged and sentenced to prison terms.

[In Dili detainees are frequently taken for interrogation to Senopati I and Senopati II, buildings occupied by military intelligence in the Farol quarter of town. Interrogation is also known to take place at unofficial "safehouses" in other parts of Dili, including one not far from the KODIM headquarters in central Dili and another in the Vila Verde quarter of town. After interrogation detainees are sometimes taken to the main police station in Dili (POLRES Dili) where they may be placed in a cell for a matter of weeks before being released. Those who have been formally charged or tried are generally transferred to Becora or Comarca, the two main prisons in Dili. In the eleven outlying districts, political detainees may be interrogated and imprisoned at the District Military Command headquarters (KODIM), at police headquarters at the district level (POLRES) or at one of the district level prisons. Detainees are also known to have been held in district level prisons in Liquica and Baucau and in the Hotel Flamboyan in Baucau which has been used as a military interrogation centre since 1975.]

[Many of those more recently detained are said to have been charged with ordinary criminal offences such as assault or possession of firearms. Others have been charged with offences containing both a criminal and political element such as publicly inciting others to disobey the law, under Article 160 of the Indonesian Criminal Code (KUHP - *Kitab Undang-Undang Hukum Pidana*); or involvement in "movements banned by legislation" or "movements which have as their objective the intention of committing criminal acts", under Article 169. A minority are known to have been accused of clearly political offences such as "expressing feelings of hostility, hatred or contempt" toward the government, under Article 154 of the criminal code. The Indonesian authorities have generally portrayed the actions of political activists as "disruptive" and "criminal" and have attempted to justify the detention and trial of demonstrators by reference to the need to preserve stability and security in the interest of development. In June 1991, a government publication stated that: "A small group of people with their persistent disruptive methods who try to impose their political beliefs on the majority of the people by any means, have forced the government to take precautionary measures. Such temporary action is necessary to ensure the peace, security and orderly development of the province..."]

[The practice of charging political opponents with criminal offences and depicting political opponents as ordinary criminals appears to be a deliberate tactic used by the Indonesian authorities to deflect criticism by human rights organizations and other international observers. In April 1991, the Indonesian Coordinating Minister for Political and Security Affairs, Sudomo, said that captured members of the *Aceh Merdeka* rebel group would in future be publicly tried on criminal charges in order to avoid criticism by foreign human rights groups. In East Timor, those involved in pro-independence activities are questioned almost exclusively about their political activities and beliefs, and then charged with ordinary criminal offences.]

[The government has also attempted to underplay the political significance of the demonstrations, and thereby to defuse criticism of its actions against protesters, by claiming that they are "...mainly a reflection of protest against the lack of employment opportunities."[4] Yet a considerable number of those detained for alleged involvement in pro-independence activities have been civil servants. Among others, civil servants have been involved in efforts to monitor the human rights situation in East Timor. The author of one report received by Amnesty International in late 1990 wrote:]

> ["I have been an official of the Occupying Government for nine years. I receive a good salary, enough for me and my family to live comfortably. However, I am troubled to see most of my Timorese brothers suffering. I read the newspapers and magazines, listen to the radio and watch television and I encounter more lies than truth..."]

[Amnesty International is also concerned that police and military authorities in East Timor may be taking advantage of provisions of the Indonesian Code of Criminal Procedure (KUHAP - *Kitab Undang-Undang Hukum Acara Pidana*) relating to the detention of suspects in order to imprison alleged political activists or opponents without trial. Article 20 of the KUHAP stipulates that a police or military investigator has the authority to detain someone independently of any other judicial authority. According to Article 24 of the Code such a detention order "shall be valid for at most twenty days". Police or military authorities could, in theory, detain political activists for periods of up to twenty days without reference to any judicial procedure. Article 24 also provides that, if necessary, the period of detention may be extended for a further 40 days on the order of a public prosecutor. In this way, a suspect may be detained for questioning for a period of up to 60 days before being brought before a court.]

As in past years the Indonesian Government has consistently denied detaining or arresting more than a few of demonstrators and other political activists in East Timor, and has attempted to dismiss reports of widespread short-term detention.[5] In February 1991, General Warouw reportedly told Australian journalists that there were then no prisoners in military detention for political offences. However, Amnesty International has evidence -- in the form of personal testimony, photographs, eyewitness accounts and court documents -- which contradicts these claims and proves beyond question that hundreds of suspected political activists have been detained within the past three years.

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[4] Before the United Nations Commission on Human Rights in February 1991, the government suggested that "the few incidents that have taken place... should correctly be seen as the natural consequences of the dynamics of the development process."

[5] In a statement before the United Nations Commission on Human Rights on 19 February 1991, the government said that allegations of short-term detention were "... a convenient way of making allegations without attempting to substantiate them with specific proof or evidence."

The majority of those detained by the security forces have not been formally charged or tried, but have instead been held in arbitrary, unacknowledged detention for periods ranging from a few days to several weeks. The official explanation that such people have not been detained but invited "for questioning" obscures the fact that those being "questioned" are frequently held for several weeks in unacknowledged detention and subjected to ill-treatment and torture. Whatever terminology is used, those held for interrogation in jails and detention centres are prisoners and Amnesty international believes that many of them may be or have been prisoners of conscience. Particularly where it is unacknowledged, their imprisonment, however brief, and their torture or ill-treatment are matters giving rise to serious concern.

[The pattern of short-term detention and imprisonment of political suspects described here directly contravenes a number of international human rights standards and instruments. Article 9 of the ICCPR guarantees the right to liberty and security of person, to be free from arbitrary arrest and detention and the right of a detained person to challenge the legality of their detention before the courts. Article 14(1) stipulates that any judgement rendered in a criminal case or in a suit at law shall be made public. Principle 11 of the United Nations Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment stipulates that "a person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority".]

[Amnesty International calls on the government to abide by these provisions of international law. In particular we call on the Indonesian Government to ensure that no-one is detained solely for their non-violent political actions or beliefs. We urge the government to make public the names of all persons tried and sentenced on politically related charges in the past three years. As a practical measure to ensure the safety of detainees, Amnesty International urges the government to establish and maintain centralized public registers of all persons detained in all parts of the territory, to be updated on a daily basis and made available for consultation to family members, magistrates, attorneys and other authorities. We also urge the government to establish similar registers in each place of detention throughout the territory.]

3. Torture and Ill-treatment

Many of those detained in the past year have reportedly been ill-treated or tortured in custody and at least five have been hospitalized as a result of their injuries. The forms of ill-treatment and torture alleged include beatings with iron bars, batons, fists and lengths of cable and bamboo, burning with lighted cigarettes, sexual molestation and rape, slashing with razor blades, food deprivation, immersion for long periods in fetid water, electrocution and threats of death. These methods are consistent with previous reports from East Timor and from parts of Indonesia such as Aceh and Irian Jaya where government forces also face political and armed opposition. In view of the clear evidence that suspected political opponents of Indonesian rule in East Timor have been systematically ill-treated and tortured while under interrogation, Amnesty International has concluded that the safety of all those detained for questioning, however briefly, by members of the security forces in connection with their alleged political activities, must be considered at risk.

[Last year before this Committee, Amnesty International reported the arrest and torture of at least 20 students suspected of involvement in demonstrations during the visit of the Pope in October 1989. One of those mentioned was **Donaciano da Costa Gomes*** who has since left East Timor. In an interview conducted in August 1990, he described his arrest and torture in detail. About one week after the October demonstration, in which he took part, Donaciano Gomes sought refuge at the Bishop's residence in Dili together with about 40 others who feared arrest. On 4 or 5 November, following negotiations with the Governor of East Timor and the military commander Brigadier General Muliadi, the students decided to leave the residence and were immediately detained by Indonesian security forces. They were taken first to the local police station for preliminary questioning, then to Senopati II, where they were interrogated under torture about their political activities and beliefs. According to his testimony and that of other students, at least 30 others were detained at Senopati II at the same time, at least six of whom were similarly ill-treated. They included **Jose Manuel da Silva Fernandes***, **Clementino Faria***, **Guilherme Pereira***, **Francisco Maria da Sousa***, **Antonio Pereira Lopes** and **Lourenco Pereira*** (* see photographs, Appendix II).

[The torture was reportedly administered by five soldiers under the supervision of a senior military officer whose name is known to Amnesty International. Part of Donaciano Gomes' personal account of his torture is reproduced below:]

[
> "They gave me two sorts of electric shocks -- one with a charger for which they cranked a handle, the other in a metal chair wired up directly to the charge. It began at midnight. I think the date was the 28th or 29th of

> November. They had been interrogating me before that, from 7 pm....I had to sit on the metal chair which had chains attached, which were locked over my arms and legs. They called it the "record player" because they said when they pressed the button we'd start to dance. I was stripped to my underpants.... They said "this will make you feel better". The routine was the same as before -- questioning, then shocks, but this time the shocks were very severe, and after about an hour I fainted. I was then taken back to my room... Before this I received a lesser shock, in a normal wooden chair, where they attached metal clips to ny nipples. The wires were attached to a charger, and they wound the handle manually."]

[After an initial two-week period of interrogation and torture, the detainees continued to suffer ill-treatment by Indonesian security forces. According to Donaciano Gomes' testimony:]

> ["We were subject to beatings, immersed in tanks of excrement. Sometimes they would open the doors to soldiers returning from combat duty in the mountains and let them beat us up. They would come in at dawn, in full combat gear, dust on their clothes, and start hitting and punching us. They'd shout: We're looking for the communists. So, after all they're here in Dili, not in the mountains". They would cock the trigger of their weapons and put them to our heads. Among the other prisoners there were women, who we were told were raped. There was one woman who was from Iliomar, a beautiful woman, whose husband had been a guerrilla commander and had been shot dead at the same time that she was captured. She was kept in a separate room, where she was raped, and had become pregnant, supposedly by a Captain... Her name was Justina Moniz."]

[Donaciano Gomes remained in detention for more than two months without charge or trial. He says that military officers took him from his cell during the demonstrations of January 1990 in order to identify the participants and to convince them not to demonstrate. He was released on 6 February 1990 but was required to report weekly to the military authorities at Senopati II.]

[Among those arrested in late 1990 was **Aleixo da Silva Gama**, aged 23 and a student at the day school, *Externato San Jose*, who had been detained on two previous occasions, on 17 January and 4 June 1990. He was reportedly tortured after his arrest by Indonesian security forces on 6 September 1990. Eyewitnesses who saw him in custody in September said that he bore signs of torture. He had reportedly been immersed in a tank of water and his face was swollen and had cuts and bruises. He was released some time in late October or early November but was arrested again in Motael on 18 November together with at least six others who had sought refuge at the parish church there. Aleixo Gama and three others were said to have been seriously ill-treated at the time of their arrest. According to reports all four were cut with razors and one, **Augusto Mausiri**, was said to have been burned with a lighted cigarette. Aleixo Gama was admitted to the Wira Husada Lahane Military Hospital in Dili shortly thereafter. According to unofficial reports, he was later transferred to Senopati II in Dili where he was being held in January 1991. He was later moved to Becora prison and was reportedly released on 7 April 1991. In November 1990 a government representative informed Amnesty International that a certain "Gama" had been charged with possession of a grenade but Amnesty International was unable to obtain any further details of charges brought against Aleixo da Silva Gama or confirmation that he had been tried.]

[**David de Conceicao* (Aleon)**, a student of the *Externato San Jose* and a well known political activist, was among at least 17 people detained following a pro-independence demonstration at the St Paul VI Catholic Secondary School in Dili on 15 October 1990. He was arrested and badly beaten near the Meira bridge in the Taibesse quarter of Dili at about 10 am on 16 October by military men driving a landrover. According to eyewitnesses, he was beaten on the head with a rifle butt until unconscious and cut with a knife by the arresting officers before being taken away. David de Conceicao was taken to the Wira Husada Lahane Military Hospital for treatment of his injuries. He was later moved to Senopati II where he was thought still to be held in January 1991. In April independent sources confirmed that he was one of 31 political prisoners in Becora prison. However, no details of charges or trial proceedings have been made public by the Indonesian authorities. (* see photograph, Appendix II)]

[**Adao da Purificacao**, a civil servant aged 45, and his brother **Carlito da Purificacao**, aged 30, both of Balibo, were arrested by Indonesian soldiers on 10 December 1990. They were among at least ten people, most of them civil servants, arrested in Maliana district in December on suspicion of sympathizing with *Fretilin.* According to reports they were taken to the Maliana KODIM where they were badly beaten, burned with cigarettes and given electric shocks while being questioned about their political activities. They were said to be held in shackles in isolation cells at the KODIM. Amnesty International does not know whether they have been charged or tried.]

[**Boby Xavier Luis Pereira**, aged 16 and a student at SMP Negeri III in Matadouro, Dili, was arrested and tortured in late 1990 because of his involvement in pro-independence demonstrations since 1989. He was first arrested on 27 September 1990 and released without charge on 6 October. Two days later he was rearrested and held for two months. He was released, apparently without charge, on 9 December 1990. According to his signed testimony, dated 15 December 1990, he was hit with a steel pipe at the time of his arrest. He was taken first to Nusra Bakti where he was made to strip naked before being beaten until he lost consciousness. Next he was taken to POLRES Dili where he says he was again beaten while being interrogated about his involvement in various demonstrations. Later he was transferred to Comarca prison where he was reportedly beaten with a bamboo cane causing his skin to blister and bruise. According to his testimony he was unable to move about or sleep as a result of the beatings. It is not known whether Boby Xavier Luis Pereira was formally charged or tried.]

Another student arrested in connection with his political activities and said to have been tortured by security forces in November was **Domingos Pereira**, aged 23. A portion of his hand-written testimony, dated December 1990, is reproduced here:

> "I was arrested on 3 November 1990 at 11:20 pm at the home of my aunt. They broke down the door of my aunt's house before coming in. They beat me without mercy. The instruments they used included an iron rod, a crow-bar, a knife and a wooden baton. They took me to the office of the Intelligence Command at Senopati I. The punishment was even worse there. They beat me again and again. My face and nose were busted -- there was blood everywhere. My face was full of blood, covered with blood. The same night they threw me into a truck and drove me to the police station (POLRES). In the truck they beat me again in the head and the chest until I fell unconscious. When we arrived at the police station I didn't know where I was. They put me in a cell. They removed my belt, tied it around my neck and dragged me along with it. I was almost unconscious, my body felt half-dead. I was covered in blood and couldn't walk. On 4 November 1990 at about 11pm I was removed from the cell at the police station and taken to Senopati II where I was interrogated.... I remained at Senopati II for eight days because I was too ill to return to the cell at the police station. My legs were badly injured and my chest was painful. I was transferred to a cell at the police station on 12 November. There I was given only a small amount of food and water; the water was from the toilet. While in the cell my injuries grew worse."

[**Filomeno de Oliveira**, a merchant aged 36 from Dato village was one of dozens of people questioned in Liquica district in November 1990 on suspicion of being in contact with the guerrillas. He was detained, together with at least ten others, at the Liquica KODIM. According to reports, he suffered a broken leg as a result of torture inflicted while in custody. Sometime in December 1990 he was transferred to POLRES Dili and then to Comarca prison together with at least four others arrested at the same time -- **Gregorio dos Santos***, **Abrao dos Santos***, **Carlito da Costa**, and **Jorge Goncalves** -- but it was not known whether they were formally charged or tried.

According to unconfirmed reports Filomeno de Oliveira was released without charge on 10 December 1990. (* see photographs, Appendix II)]

In February of this year, Amnesty International received an urgent appeal on behalf of **Abilio Mesquita***, a young man arrested by military authorities on 29 October 1990 and tortured while held for more than two months at Senopati II (* see photograph, Appendix II). Suspected of involvement in pro-independence demonstrations in 1989 and 1990, and actively pursued by the military, Abilio Mesquita fled to the parish church of Motael in early October 1990. On about 29 October he left the church to go to Audian to visit friends, where he was arrested by military authorities and taken into custody. According to his testimony, excerpts of which follow, he was beaten and tortured for four days together with at least two others.

> "They drove me to Farol, to one of the military interrogation centres they called Senopati II. There they took me to a big room, took off my clothes and immediately proceeded to apply electric shocks to my body. They also punched and beat me very badly, until blood was running from my face and head. They beat my whole body with an iron rod. They then began to interrogate me.... They took the iron rod again and kicked and punched me repeatedly and then finally took a large stone smashing it on my head. Blood was streaming down my face and I fell over. While lying on the ground they took a rifle butt and smashed it into my face, and from this my right jaw broke. In agony I cried "Oh Jesus" and they in answer mocked me saying "You go and call your Jesus to come down and help you". I wanted to cry but no tears came. In the same room were two more Timorese students being tortured and beaten in the same manner, one of them was called **Chico** and the other **Eustaquio**. The latter was also bleeding profusely from his head wounds and body injuries."

[On 2 November, Abilio Mesquita and Eustaquio were taken to the military hospital in Dili to be treated for their injuries. Eustaquio was x-rayed then released while Abilio Mesquita required an operation on his broken jaw and remained in hospital for at least three more weeks. While in the hospital for post-operative treatment in December, he was reportedly interviewed by representatives of the ICRC. While still in hospital, he was visited by military officers who, he said, grew angry and threatened to kill him when they found that he had spoken with the ICRC. He was said still to be in military custody in January 1991 but was later released without charge.]

[**Talofo Namboro Alin***, a former student of SMPN I Dili, aged about 20 and allegedly one of the principal pro-independence activists within the student community in Dili, was said to have been badly beaten by soldiers after he was arrested at his home late at night on 17 October 1990 (* see photograph, Appendix II). His wife, who was then pregnant, was reportedly slapped and kicked by the arresting officers when she tried to prevent them from taking him away. According to reports, Talofo suffered serious injuries, including a possible broken rib, as a result of the beatings he received in custody. He was transferred to the Wira Husada Lahane Military Hospital in Dili for treatment. Independent sources said that he remained in custody in December 1990, but Amnesty International believes he has since been released without charge.]

The Indonesian authorities have consistently denied allegations of the ill-treatment and torture of detainees in East Timor and have raised questions about the political motives of those, including Amnesty International, who have reported them. In June 1991 a government publication said it was "clear that..the allegations levelled against Indonesia with regard to East Timor are essentially politically motivated, unsubstantiated and highly exaggerated...[and] based on one-sided observations which contain no grain of truth." Yet there can no longer be any doubt that such violations have occurred on a considerable scale in East Timor up to the present time.

[The incidents of torture and ill-treatment described here are clearly in breach of human rights standards based in international law. Article 7 of the ICCPR guarantees every person's right to be free from torture or cruel, inhuman or degrading treatment or punishment. Also relevant is the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 10 December 1984.[6] Article 12 of the Convention states clearly that the "competent authorities" of the state have a responsibility to "proceed to a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed in any territory in its jurisdiction." In accordance with these and other standards the Indonesian government has a responsibility to investigate all reports of torture and ill-treatment and to bring the alleged perpetrators promptly to justice.]

4. "Disappearances"

Amnesty International believes that many of the hundreds of people reported to have "disappeared" since 1975 may have been killed. We are also deeply concerned at the number of persons more recently reported to be held for periods of up to several weeks in unacknowledged detention. Most of the hundreds of people detained in recent years have been released after a few days or weeks, but because the authorities seldom make public the names of those detained or released, the whereabouts and the fate of detainees may remain unclear for some time. In view of the clear evidence that political detainees may be tortured or ill-treated in custody, Amnesty International is seriously concerned for the safety of all those who have been reported as "disappeared". It urges the Indonesian authorities to clarify promptly the whereabouts of all those reported as missing after their arrest.

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[6] The Indonesian Government signed the Convention against Torture in October 1985 but has not yet ratified it. Nevertheless, as a signatory it has an obligation to refrain from acts that would defeat the object and the purpose of the treaty.

Claudio Armindo Boavida, a parish worker aged 26, was arrested by security forces on or shortly after 15 October 1990 in Barrio Formosa, Dili after security forces clashed with students at St Paul Catholic Secondary School. The clash began shortly after Claudio Boavida accused the Indonesian authorities of deliberately creating a pretext for arrests by painting strongly anti-Indonesian graffiti on the school walls. According to witnesses his face was slashed with a blade and he was beaten unconscious by the arresting officers before being taken away. Efforts by his relatives to locate him at various police or military establishments proved unsuccessful. In March 1991, five months after his arrest, his whereabouts remained unknown. Indonesian authorities are reported to have said that he had escaped from custody but relatives and independent observers fear that he may have been extrajudicially executed.

[**Jose Quinto** and **Francisco da Cunha**, both from East Timor, were reported to have "disappeared" after being detained by plainclothes police on 22 June 1991 in the Indonesian city of Bandung. Prior to their detention the son of an Indonesian military officer had reportedly threatened to kidnap and kill them. On 21 June, Jose Quinto and Francisco da Cunha were briefly detained by unidentified men. The following day, at about 9am, they were reportedly arrested again and held until about 6pm. Later that night a group of four men in civilian clothing visited them at their hostel and then left. At about 12 midnight, plainclothes police came to the hostel and arrested the two men. According to reports they were taken to a prison in Bandung but more than one week later their precise whereabouts were not known. Amnesty International believes that the two may now have been released but has not received any official information about their current whereabouts and remains concerned for their safety.]

[**Mariano da Silva**, aged 33, is thought to have "disappeared" following his arrest on 14 October 1990 in Ainaro where Indonesian security forces were conducting military operations. According to reports, Indonesian armed forces located a base camp of the armed resistance on 10 October and on 14 October discovered a number of documents and photographs apparently identifying sympathetic villages and individuals. The discovery was followed by the arrest of at least 40 suspected supporters of the resistance who were taken for questioning at the Ainaro KODIM. Most were released after questioning but three months later Mariano da Silva's whereabouts remained unknown. Amnesty International is concerned for his safety.]

[There is also concern for the safety of **Jose Manuel da Silva Fernandes***, aged 23, a student at the *Externato San Jose* in Dili, who reportedly "disappeared" after his arrest by members of Indonesian military intelligence on 8 November 1990 (* see photograph, Appendix II). Jose Manuel da Silva Fernandes had been detained on a number of previous occasions in connection with his involvement in pro-independence demonstrations since 1989 and on at least one occasion he had been tortured while in military custody. According to unconfirmed reports, an Indonesian military officer issued an order in February 1991 to kill him and two others, **Anunco Miranda** and **Moises da Costa**. This report contributed to fears that the three may have been killed. The whereabouts of the three remained unknown in March 1991.]

[**Vicente Moniz**, aged 22 and a student at the *Externato San Jose*, reportedly "disappeared" after he was arrested by military intelligence personnel in Manatuto on or about 10 September 1990. He had earlier been detained for questioning, possibly in connection with the demonstrations of 4 September 1990 in Dili. He was released from custody on 10 October and immediately left Dili for Manatuto, his place of birth. He was redetained shortly thereafter in the Manatuto market. His whereabouts remained unknown in early 1991.]

Amnesty International notes the continuing efforts made by the Indonesian Government to investigate cases of "disappearance" which have taken place in East Timor over the last 15 years, but it is concerned by the slow pace of such investigations. According to its January 1991 report, the United Nations Working Group on Enforced or Involuntary Disappearances considered only one case of "disappearance" to have been clarified by government information during the year (1990). As of January 1991, only 23 of a total of 73 cases submitted to the government by the Working Group had been clarified by government information.[7] Of this number six were found to be in detention and 17 others were said to be alive but not in custody. It should be noted that the figure of 73 "disappearances" represents only a fraction of the hundreds who have reportedly "disappeared" since 1975, but in circumstances still too unclear to permit the Working Group to make substantive inquiries to the government.

[Each case of "disappearance" violates or poses a threat to a number of specific fundamental rights articulated in the ICCPR. These include the right to life (Article 6.1), the right to be free from torture or cruel, inhuman or degrading treatment (Article 7), and the right to recognition as a person before the law (Article 16); all of these rights are non-derogable even in times of national emergency. Other rights infringed may include the rights to liberty and security of person, to be free from arbitrary arrest and detention (Article 9.1), and the right of a detained person to challenge the legality of their detention before the courts (Article 9.4).]

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[7] Amnesty International understands that the total number of cases (73) included at least two which occurred in Indonesia, not in East Timor.

[The government's responsibility with respect to investigating "disappearances" and bringing the suspected perpetrators to justice is a matter of immediate practical concern and of principle arising out of international law. In practice it is only through the prompt and impartial investigation of all reported "disappearances" that there can be any hope of locating the victim, bringing the perpetrators to justice and perhaps preventing future "disappearances". If a government fails to investigate reported "disappearances" it demonstrates a lack of commitment to these objectives. It thus effectively condones the practice of "disappearance", which may lead to its perpetuation.]

5. Unfair Political Trials

Amnesty International continues to question seriously the fairness of political trials in East Timor. While the government insists that they are open to the public, it has not allowed qualified international observers to attend such trials. Indeed, it has made it clear that attendance would be regarded as an unwelcome intrusion into Indonesia's domestic affairs. This has contributed to suspicions that past trials have been intended primarily as a showpiece to deflect criticism by international and domestic human rights observers.

Over the last three years Amnesty International has heard the testimony of several former political prisoners, and has obtained trial documents which substantially confirm the conclusion that political trials in East Timor have been unfair. The evidence suggests that they have been deficient in some or all of the following respects: testimonies of both defendants and witnesses are often extracted under duress, sometimes under torture; prosecution witnesses are seldom cross-examined and there are few if any witnesses for the defence; trials are conducted in a language which is not always well understood by the defendants or the witnesses; and the possibility of appeal provided for in the Code of Criminal Procedure is not actively pursued by state-appointed defence lawyers.

[**Domingas Coelho** and **Antonio Mesquita***, were sentenced to six years each in trials, in 1983 and 1984 respectively, which fell short of internationally accepted standards of fairness (* see photograph, Appendix II). Like most other political prisoners tried in East Timor they appear to have been convicted solely on the basis of confessions or information extracted from them or from witnesses under duress. Both claim to have been beaten during interrogation. They were released in 1988 and subsequently left East Timor for Portugal.]

[Antonio Mesquita was arrested in April 1984. On 31 May he was sentenced together with eight others accused of membership of *Fretilin* -- under Article 110 and 106 of the KUHP -- in a trial which lasted only one day. In an interview in early 1991, he described the trial proceedings at the District Court of Dili as follows:]

> ["They didn't ask us anything at all. I told the judge you can try me but I have done nothing wrong. He started going on about the 1945 Constitution and the *Pancasila*, then banged the table with his gavel, saying that we had fought against the Republic of Indonesia, and sentenced me ..."]

[Domingas Coelho was arrested on 2 September 1983. She was held first at the KODIM Dili, then transferred to Comarca prison and after one month to Benfica Sporting Centre, where she was interrogated together with other political detainees. During the interrogation she claims that her captors tortured her by placing the leg of a chair on her foot and then standing on it. On another occasion, she says, the authorities forced her to strip naked and then took a photograph of her. She was tried together with four others in December 1983. According to her account, the trial lasted one week. Apart from the five defendants, she said that the only people in attendance were the judge, the prosecutor and the defence lawyer. They were apparently convicted and sentenced without the hearing of evidence from independent witnesses for the prosecution or the defence. Domingas was originally sentenced to 12 years under Articles 110 and 106 of the criminal code, but when she objected in court the sentence was reduced to six years. On 17 May 1984 she was transferred with 41 other East Timorese political prisoners to Cipinang prison in Jakarta, but shortly thereafter she was transferred to Tangerang women's prison. She received one year's remission of sentence and was finally released in 1988.]

The testimony of recently released political prisoners provides evidence of the systematic use of torture in extracting information from political prisoners in East Timor. This evidence raises additional doubts about the fairness of the trials in which these prisoners were sentenced. **Januario Ximenes***, aged 44, was arrested at his home on 23 June 1980 and held for nearly four years before being brought to trial with several other suspected *Fretilin* supporters in March 1984 (* see photograph, Appendix II). He was tried at the District Court of Dili in March 1984 and sentenced to ten years in prison minus time spent in pre-trial detention. He was released in August 1988. Januario Ximenes claims that he was beaten while under interrogation over a period of three weeks. On about 10 August he was transferred to the residence of a senior military officer in Dili and ten days later he was imprisoned in Comarca prison. As a result of the beatings he received, his head was severely swollen and on one occasion he lost consciousness. The beatings were administered by five soldiers, some of whom he was able to identify by name and rank. In 1990, after leaving East Timor, he described his treatment:

> "On the third day after I still refused to talk, they put a loaded pistol to my head and pulled the trigger, but the bullet fell out of the chamber. Then they pulled the trigger again pointing the gun at the ceiling, and it fired. They cut me three times on the back and burnt me all over with cigarettes. On 12 July they hit me with a bottle which broke. They said I had a head of stone, so they hit me with another. Blood was pouring down my head. Five minutes later [a senior military officer] appeared and told them to lay off and clean up the blood...."

[His son, **Licinio Ximenes**, described his first visit as a young boy, to see his father in prison as follows: "When my mother went to visit him for the first time after his arrest I went with her. My father had marks all over him. He didn't look like my dad. His face was swollen and he was black and blue all over. I cried when I saw him."]

[Among prisoners reported to have been tried within the last year are some who were tortured under interrogation. In November 1990 a government representative wrote to Amnesty International to announce that **[Aleixo da Silva] Gama**, arrested for his political activities on at least three occasions and tortured by members of the security forces in late 1990, was to be tried for possession of a hand grenade.[8] Amnesty International has received no further information about his trial. However, in view of reports that he was repeatedly tortured while being interrogated about his political activities, Amnesty International is concerned that he may not have received a fair trial.]

[Article 14 of the ICCPR provides for the right to a fair trial and stipulates that everyone shall be entitled to certain minimum guarantees including: "adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing"; "the free assistance of interpreters if he cannot understand or speak the language used in court"; the opportunity to "examine or have examined the witnesses against him..."; "not to be compelled to testify against himself or confess guilt". The Convention against Torture is also relevant. Article 15 of the Convention obliges state parties to ensure that "any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings..."]

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[8] The detention and torture of Aleixo da Silva Gama is described on page 11 of this statement.

[In the interest of ensuring the fairness of future political trials in East Timor, Amnesty International urges the government to take note of these and other international standards. It also suggests that political trials be made accessible to qualified international observers and that documents from political trials be made available to Amnesty International and other international organizations which may request them.]

6. Extrajudicial Executions

Amnesty International believes that at least 30 people, and possibly many more, were killed by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions. A number of extrajudicial executions reported by Amnesty International last year have since been confirmed, and we continue to receive new information concerning hundreds of politically-motivated killings committed by government forces in the 1970s and 1980s. In view of the established pattern of past killings and the inherent gravity of the current allegations Amnesty International believes that the government has a clear obligation to investigate immediately all such reports, to make public the results of any such investigations and to bring the suspected perpetrators promptly to justice.

Among the reported victims in the past year was **Kasa Bui**, a woman aged 30 from Ainawain in the district of Viqueque, who was reportedly raped, killed and dismembered by personnel of the 509th Battalion on 29 August 1990. In late October 1990 two students were reportedly killed by members of the Indonesian security forces in Lospalos. **Fransisco Oliveira** and **Marcos Monteiro** escaped from prison on 22 October with two others. The four fled to Lospalos but were rearrested there on 23 October. According to reports, Francisco Oliveira was shot in custody shortly thereafter and Marcos Monteiro was killed, also in custody, three days later. In January 1991, **Eurosio da Silva Alves**, a student aged 15, was reportedly detained and killed by Indonesian soldiers; according to reports, his body was mutilated and there were signs that he had been sexually molested.

In the majority of cases Amnesty International has been unable to obtain details of the circumstances of the alleged killings. It acknowledges that some of those reported to have been killed in the past year may have been guerrillas who died in combat with Indonesian forces. Nevertheless, we believe that all of the following reports warrant prompt investigation.

[Indonesian military authorities announced that they had killed a key resistance leader **Venancio Ferraz** and four other people in a clash with Fretilin guerrillas on 29 January 1990 but no further details of the circumstances of the killings were provided.

Unofficial sources say that Venancio Ferraz was wounded in combat and then deliberately executed by beheading while in the custody of the security forces. One report said that his head was displayed by soldiers in nearby villages, a practice which has also been reported in Irian Jaya and Aceh. Independent sources said that four people were killed in Baucau at about the same time by an Indonesian soldier whose identity is known to Amnesty International. Those reportedly killed were **Celestina Ximenes Soares, Cosme da Silva Ximenes, Joaninha Ximenes Soares** and **Maria Ximenes Soares**. However, Amnesty International has been unable to confirm or to obtain further details about these killings.]

[Two farmers, whose names are not yet known, were killed in apparent extrajudicial executions in Lospalos in mid-1990; a third man was wounded in the attack. The three men were reportedly shot by soldiers at close range because they were in their fields after curfew and apparently suspected of being *Fretilin* guerrillas. According to people living in the vicinity, the soldiers did not give any warning before firing at the men.]

Last year Amnesty International presented information to this Committee about six of the more than 20 extrajudicial executions reported in 1989 and early 1990. The killings of **Josephina "Facundo" Ximenes, Francisco Magno, Candido Amaral** and three unarmed men -- subsequently identified as **Uato Naha, Raul da Silva,** and **Afonso da Silva** -- were noted in the January 1991 report of the United Nations Special Rapporteur on Summary or Arbitrary Executions. According to that report the Indonesian Government provided information regarding three of the six killings -- those of Josephina "Facundo" Ximenes, Uato Naha and Raul da Silva.

Amnesty International welcomes the government's response to the inquiries of the Special Rapporteur. It notes that the government information appears to confirm that three of the people named last year in Amnesty International's report to this Committee were extrajudicially executed by Indonesian security forces. [According to the Special Rapporteur the government's response stated that Uato Naha and Raul da Silva -- the response apparently makes no reference to the third man, Afonso da Silva -- were found dead at 10am on 31 May 1990 in Ossu, Liquimeta. They had been shot, the government said, after "defying arrest in a restricted area". There is no suggestion in the government's response that the three victims were armed or that they were killed in combat. As Amnesty International noted in its original report, the men in Ossu were apparently unarmed and were shot solely because they were found in a "restricted area". According to the government's response, Josephina "Facundo" Ximenes was found dead at 12pm on 29 January 1990 in Poros in "an area restricted for security reasons and where she was believed to have maintained contacts with elements creating disturbances". She too was apparently unarmed and was killed solely on suspicion of having links with the resistance. The government response provides no further information on allegations that her body had been badly mutilated.]

Amnesty International regrets that as of January of this year the government had not provided any information regarding the reported torture and extrajudicial execution of **Candido Amaral** in late March 1990 and **Francisco Magno** on 13 August 1989, which were reported to this Committee last year. It notes with concern that the government has not yet provided any details of the disciplinary action which last year the Indonesian authorities said had been taken against the suspected perpetrators. Amnesty International is also concerned that the government has failed to respond to inquiries regarding the reported extrajudicial executions of **Carlos Mendes da Silva** and **Luiz da Cruz** in October 1988, which were first reported by Amnesty International in its statement to this Committee two years ago.

[The right to life is guaranteed by Article 6.1 of the ICCPR. Detailed provisions for the protection of this right are outlined in the United Nations "Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions", endorsed by the General Assembly on 15 December 1989 (Resolution 44/162). Article 9 of the "Principles..." provides that "There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions..." Article 11 states:]

> [In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, **because of the importance of the matter or because of the apparent existence of a pattern of abuse,** and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure. (emphasis added)]

[Article 18 stipulates that "Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary and summary executions in any territory under their jurisdiction are brought to justice."]

[Amnesty International calls upon the Indonesian Government to respond to all reports of extrajudicial execution in East Timor in a manner which is in accordance with these international standards and principles.]

6. Concluding Remarks

Mr Chairman, in January of this year Amnesty International submitted to the United Nations Commission on Human Rights an update of its concerns in East Timor. In that report we noted that the human rights situation had not improved since August 1990 when Amnesty International last testified before this Committee. Now, eight months later, there is little evidence of improvement; indeed, there are signs of deterioration. [We believe that, to date, the government's response to credible reports of violations has not reflected a full appreciation of its responsibilities under international law and has, in effect, permitted the pattern of violations to continue.] If its stated commitment to the promotion and protection of human rights in East Timor is to be taken seriously the government must undertake to investigate in good faith all alleged human rights violations promptly and impartially, make public the results of such inquiries and bring the suspected perpetrators promptly to justice.

The government has been reluctant to respond substantively to detailed allegations of human rights violations reported by international human rights organizations, and in particular those presented by Amnesty International to this Committee, to the United Nations Commission on Human Rights and in its direct communications with the government. Within the past three years Amnesty International has written to the government on several occasions requesting specific information concerning the human rights situation in East Timor. Regrettably, we have not yet received replies to those letters. Rather than responding to requests for information or clarification about alleged violations the government has preferred to question the political motives of those, including Amnesty International, who have reported them. It has on different occasions dismissed all reports, including even the most fully documented, as "entirely unfounded", "unsubstantiated", "highly exaggerated", containing "no grain of truth" and "politically motivated".[9] In Amnesty International's view, the promotion and protection of human rights is not served by general denials of this sort but by specific measures providing for the thorough and impartial investigation of reported violations.

The government has also attempted to defuse criticism by claiming that members of the security forces responsible for human rights violations have been disciplined or brought to justice. In February 1991 the government stated that "...the local authorities [in East Timor] have taken the necessary measures with regard to the few officials who have not complied with procedural law, in the form of disciplinary action, including dismissal from service."[10] Amnesty International acknowledges that in Indonesia police and military officers have sometimes been sentenced to prison terms for the torture and ill-treatment of criminal suspects in detention. Yet to date, Amnesty International does not know of a single police or military officer who has been convicted of torture, extrajudicial execution or any other serious human rights offence committed in East Timor. In a report from late 1990, an East Timorese civil servant wrote:

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[9] See, for example, the government's statements before the United Nations Commission on Human Rights in February 1991: "Some speakers still see fit to make references to allegations of detentions, torture and killings which are entirely unfounded, as has been repeatedly stated by my delegation on other occasions..."; "With regard to the repeated, unfounded allegations of human rights violations, my delegation feels obliged to respond lest it be presumed that these allegations are true."

> "...The Indonesian soldiers commit crimes and go unpunished. The Commander and Chief of Staff of the Armed Forces...are informed, and yet they take no measures against the criminals. In this way no heed is paid to the hundreds of Timorese who have disappeared and the dozens killed in recent times."

If, indeed, members of the security forces have been brought to justice for violations committed in East Timor, Amnesty International would urge the government to make public the pertinent details.

In spite of the government's public statements to the effect that foreign observers and international organizations are welcome to visit East Timor, and in spite of repeated requests, Amnesty International has not yet been permitted to visit the territory.[11] In early 1989, following positive discussions with government representatives, we submitted to the Indonesian Government a proposal for an official visit to Indonesia and East Timor sometime later in 1989. To date we have received no reply to that letter nor to several other communications in which we have reiterated our request. However, in meetings with government representatives we have been told that, in the government's view, it is not yet time for such a visit. In July of this year, the Indonesian Foreign Minister announced that a visit by Amnesty International had not been ruled out, but said that permission would depend on the attitude of the organization. Permission to visit would not be granted unless the organization conducted itself in an "appropriate" manner. The continued denial of access, in our view, raises serious questions about the sincerity of the government's commitment to protecting human rights.

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[10] In June 1991 a government publication stated that: "Torture and other forms of ill-treatment are wrongful actions and are subject to prosecution. The government has taken measures to prevent the occurrence of torture or ill-treatment since it has always been the determination of the government to ensure that the safeguards enshrined in its law and regulations are strictly enforced."

[11] In July 1991 the Military Commander of KODAM IX/Udayana, which covers East Timor and three Indonesian provinces, told the British Ambassador to Indonesia: "Anyone who wishes to do so, is free to visit East Timor and see what they want to see there." In the same month East Timor Governor Mario Carrascalao denied that there were any restrictions on foreigners visiting East Timor. "They are free to visit and they are free to travel to all parts of East Timor, including the most remote areas." In a statement to the United Nations Commission on Human Rights, on 27 February 1991, the Indonesian Government claimed that it had "...nothing to hide about the situation [in East Timor], which can be examined by any well meaning observer." However, it then clarified that certain limitations remained and that human rights organizations which had been too critical in the past would not be permitted. The statement said that the government "...is willing to consider any requests to visit East Timor by credible human rights organizations if, for their part, they can display by words and deeds that they are truly sincere in their goodwill, and that they will examine objectively the human rights situation of the Indonesian people in East Timor. It is inconceivable that those who have made derogatory statements even before visiting the territory, should expect the Indonesian Government to believe in their impartiality and allow them access."

Amnesty International urges the government to demonstrate its commitment to the protection and promotion of human rights in East Timor by permitting international human rights organizations, including Amnesty International, to visit East Timor on a repeated basis, in order to collect information about the human rights situation there. All qualified observers, including those who have been critical of Indonesia's human rights record, ought to be welcomed to visit and assess the situation for themselves. An agreed basis for all such visits would help to ensure that the findings were both fair and constructive. While in the territory visitors should be able to have discussions of substance with Indonesian military, police and civilian government authorities. They should also be free to meet and discuss human rights questions in detail with a wide array of individuals and non-governmental organizations knowledgeable about the situation, without interference from Indonesian government authorities. The safety of those who provide information to visitors about human rights questions must be strictly guaranteed.

Mr Chairman, the Indonesian Government has expressed distaste for ill-informed or prejudicial public statements about its human rights record in East Timor and elsewhere. We believe, however, that if ignorance and prejudice exist, they would best be remedied if the government were to act openly and fully in accordance with basic human rights standards and principles based in international law. As a member of the United Nations Commission on Human Rights, it is now of particular importance that the Government of Indonesia acknowledge and adhere to these standards.

APPENDICES

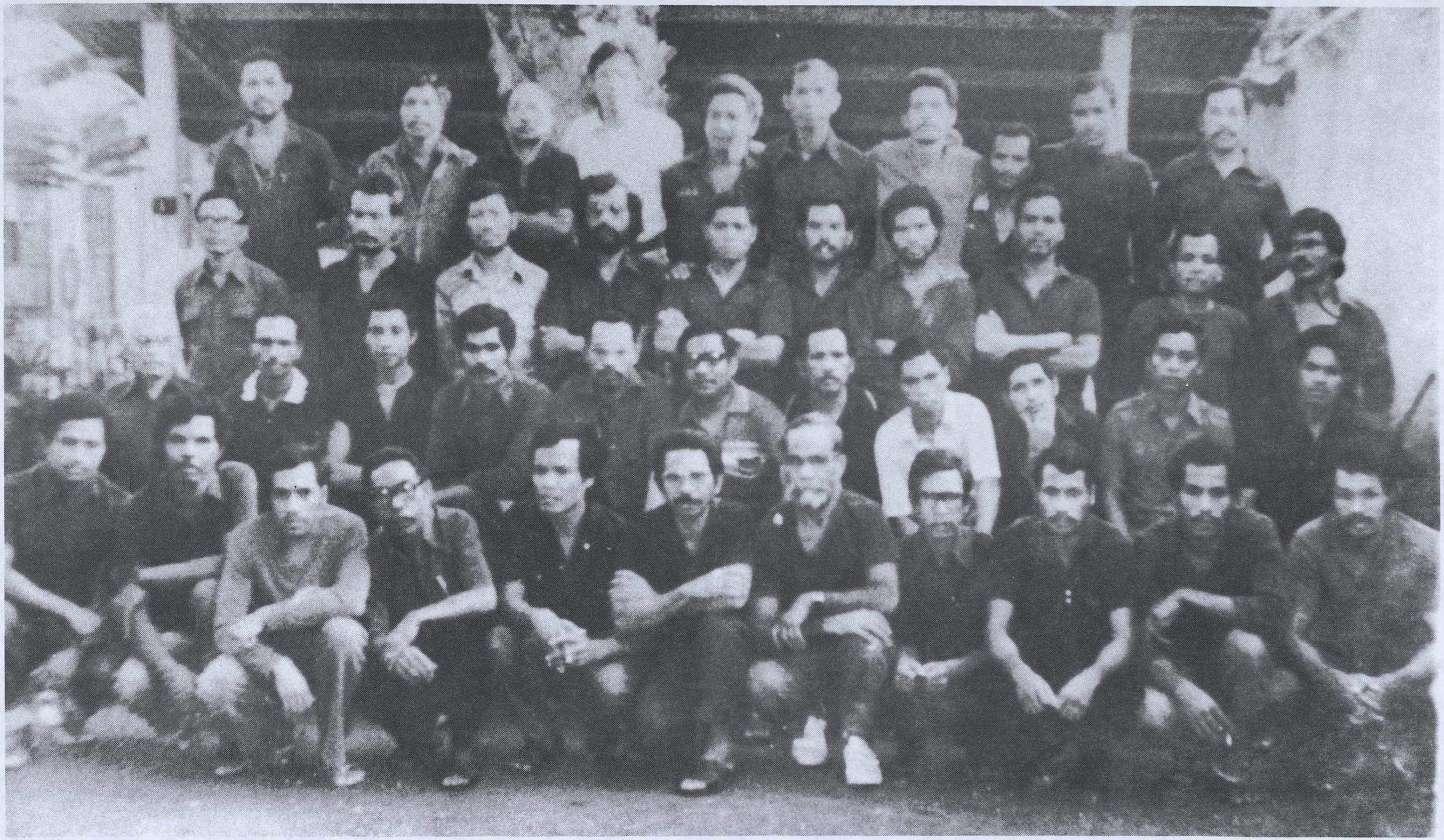
APPENDIX I:	EAST TIMORESE POLITICAL PRISONERS REPORTED IN BECORA AND COMARCA PRISONS, DILI (APRIL 1991)
APPENDIX II:	PHOTOGRAPHS OF EAST TIMORESE POLITICAL PRISONERS

Appendix I East Timorese Political Prisoners Reported in Becora and Comarca Prisons, Dili (April 1991)

Name	Sentence	Due for Release
1. Abrao Bolyu	Unknown	-
2. Afonso Freitas Pereira	Unknown	-
3. Afonso Sarmento	Unknown	-
4. Aleixo Pereira Guterres	7 years	17 April 1993
5. Aleixo da Silva Gama	6 months?	7 April 1991
6. Antonio Mau	Unknown	-
7. Antonio da Silva	Unknown	-
8. Damiao de Jesus	Unknown	-
9. David de Conceicao (Aleo)	Unknown	-
10. Felix da Costa	Unknown	-
11. Fernando Casimiro	Unknown	-
12. Francisco Silva Lopes	Unknown	-
13. Francisco Pereira de Carvalho	Unknown	-
14. Gaspar Pereira	Unknown	-
15. Gil Fernandes	7 years	14 January 1992
16. Guilherme Keti	Unknown	-
17. Jose Baptista	Unknown	-
18. Jose Maria Jeronimo	Unknown	-
19. Jose Soares Sarmento	Unknown	-
20. Jose Antonio Joaquim Galucho	Unknown	-
21. Lucas Mau Luan	Unknown	-
22. Luis Maria da Silva	10 years	12 May 1995
23. Lumberto Ximenes	9 years	October 1993
24. Melky Manur	Unknown	-
25. Nelson dos Santos	Unknown	-
26. Paulo Pereira	Unknown	-
27. Paulo Ribeiro	Unknown	-
28. Quintiliano Fernandes	Unknown	-
29. Rogerio Ribeiro	Unknown	-
30. Simao	Unknown	-
31. Simao Ramos Silva	Unknown	-

East Timorese Political Prisoners in Cipinang Prison, Jakarta (1991)

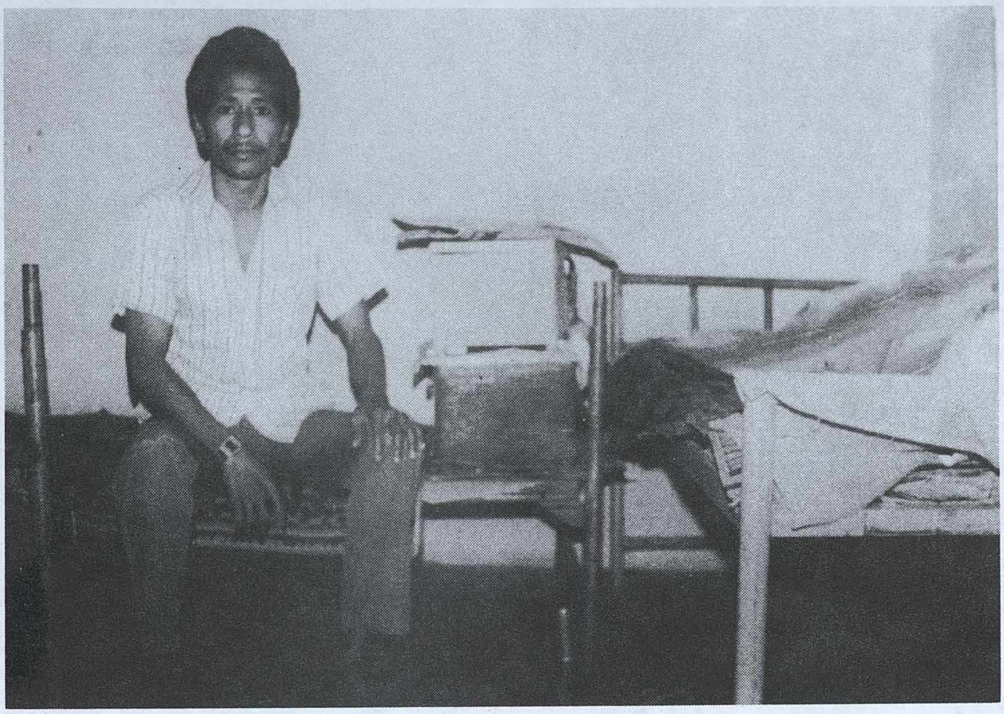
Name	Sentence
1. David Dias Ximenes	15 years
2. Mariano Bonaparte Soares	16 years
3. Albino Lourdes	17 years
4. Domingos Seixas	12 years
5. Jose Roberto Jeronimo	12 years
6. Mario (Marito) Nicolau dos Reis	17 years



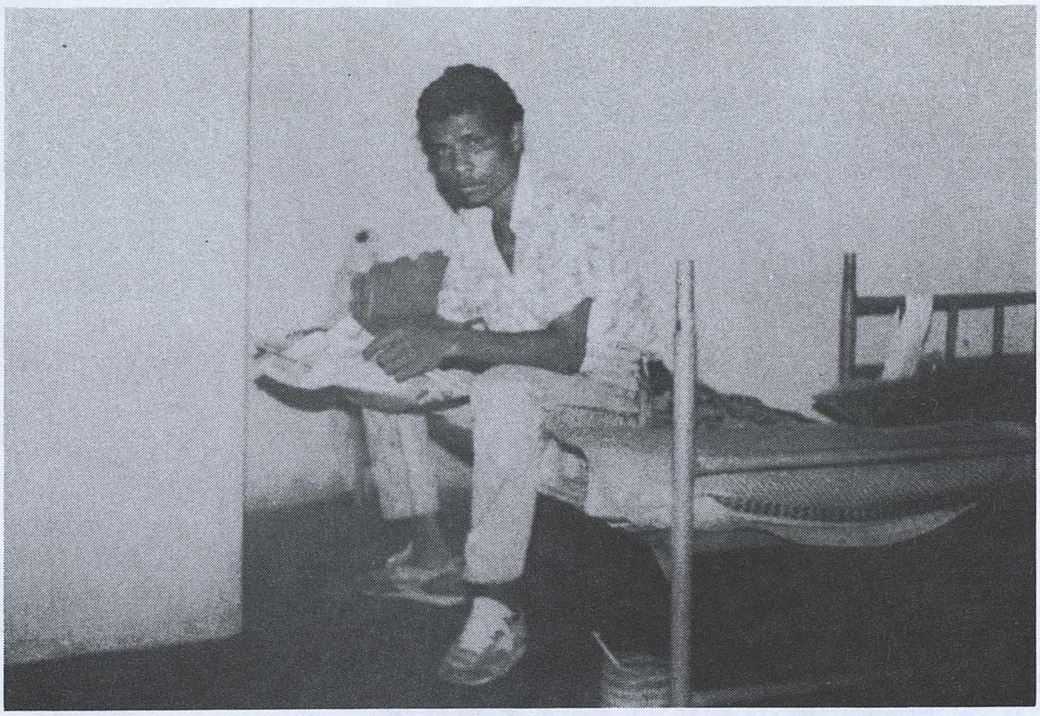
EAST TIMORESE POLITICAL PRISONERS IN CIPINANG PRISON - JUNE 1987

*FIRST (BACK) ROW (from left to right): Artur Ximenes, Antonio Ramos, Ernesto Soares Pinto, Martinho Rodrigues Pereira, Manuel Victor, Caetano de Sousa Guterres, Luis Freitas, Joao Gomes, Fernando da Costa, Joao de Macedo dos Santos. SECOND ROW : *Domingos Seixas, Gaspar Araujo, Januario Ximenes, *Jose Roberto Jeronimo, Venceslau da Conceicao, Abilio Tilman, Agapito Rocha C da Silva, Mariano da Costa Soares, Luis de Fatima Carvalho, *Mario Nicolau dos Reis. THIRD ROW : Jose Simoes, Antonio Jose Eduardo, Tomas Rodrigues, Eduardo da Costa, Gaspar da Costa Pinto Leite, *Mariano Bonaparte Soares, *Albino Lourdes, Armindo Florindo de Sa, Eurico de Jesus, Feliciano D A Tilman, Domingos Nunes do Carmo. FOURTH (FRONT) ROW : Basilio Alves Freitas, Casimiro Eduardo, Americo de Sousa Jeronimo, Martinho Casimiro, Henrique da Costa Belemiro, Fernando Pinto Baptista, Miguel da Costa, Mariano Nunes, Antonio Mesquita, Francisco Carvalho, *David Dias Ximenes.*

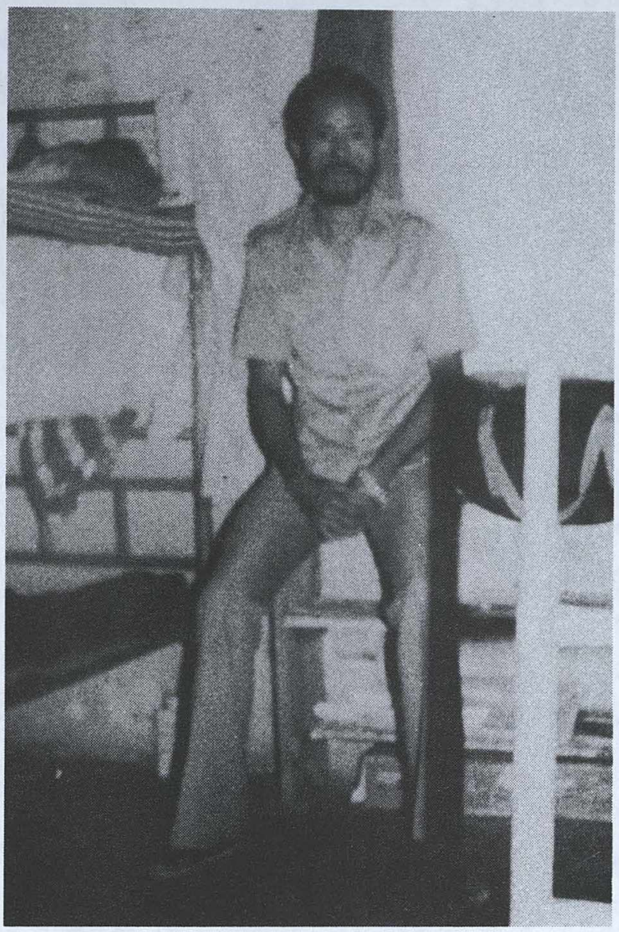
** = still detained 1991*

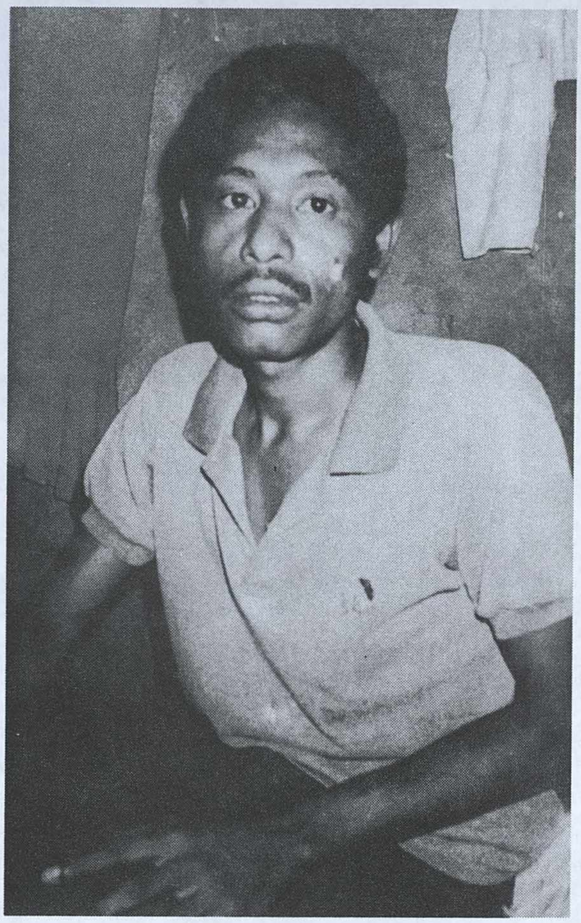


Gil Fernandes

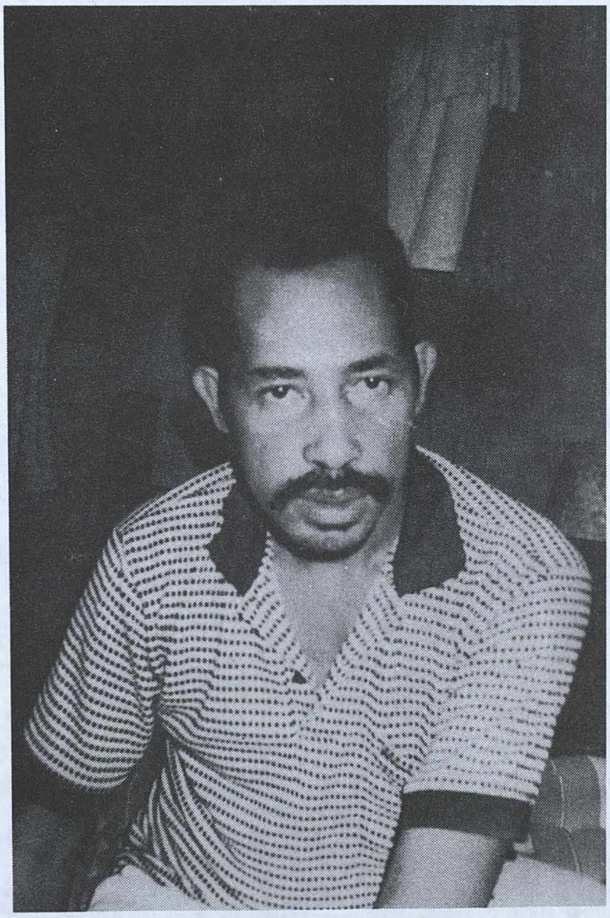


Jose Maria Jeronimo

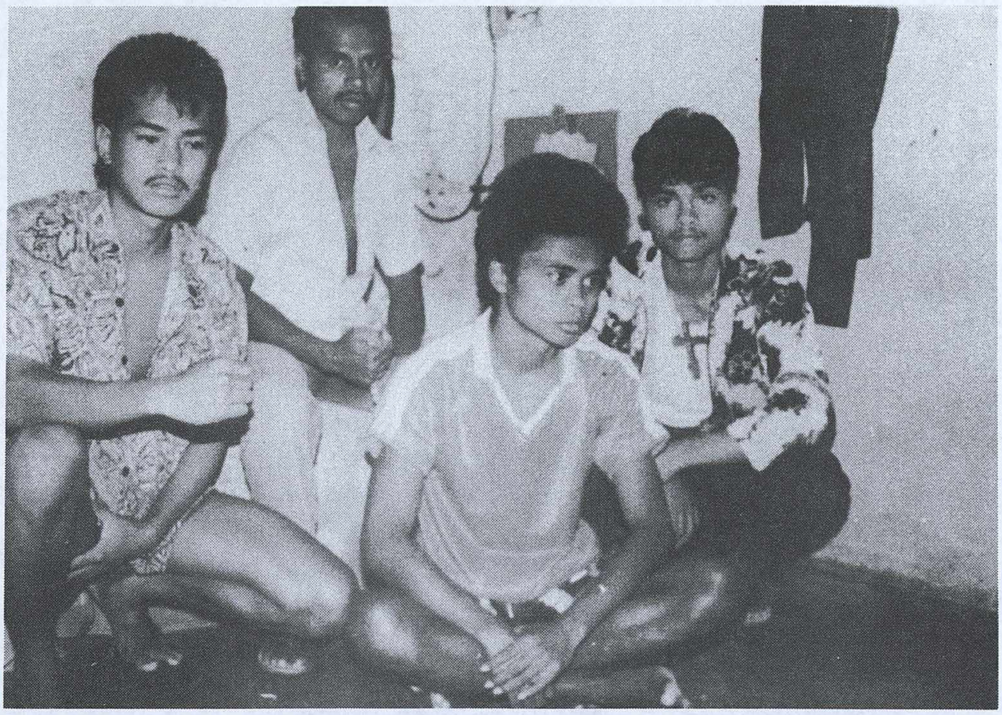




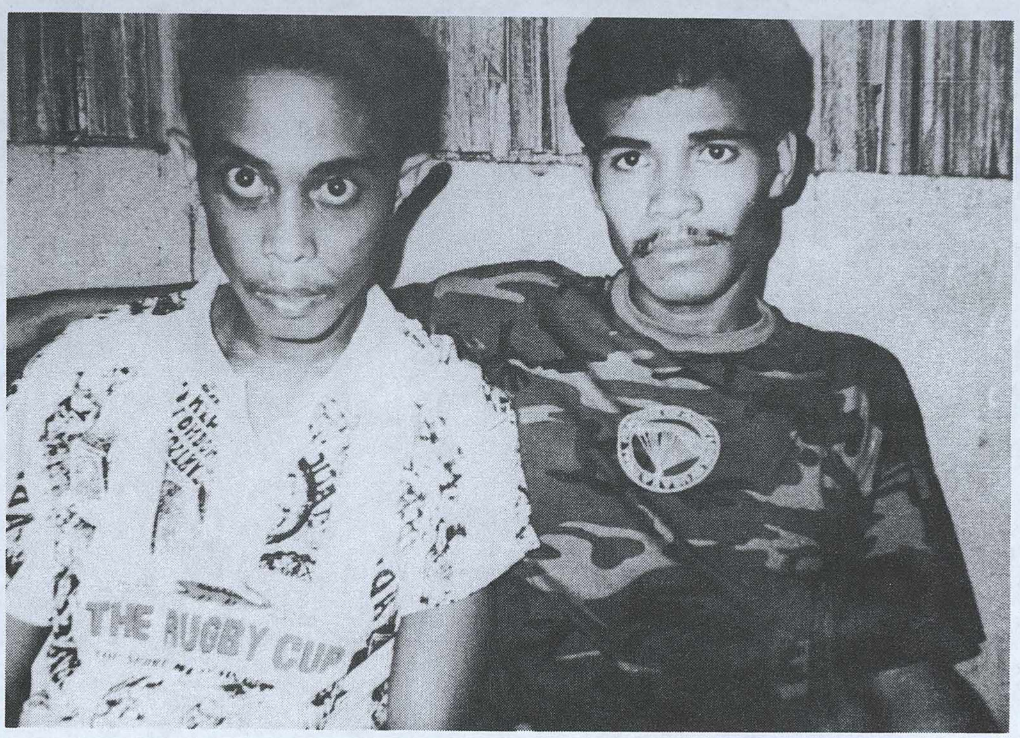
TOP LEFT: Fernando Casimiro
TOP RIGHT: Abrao dos Santos
BOTTOM RIGHT: Gregorio Maria dos Santos



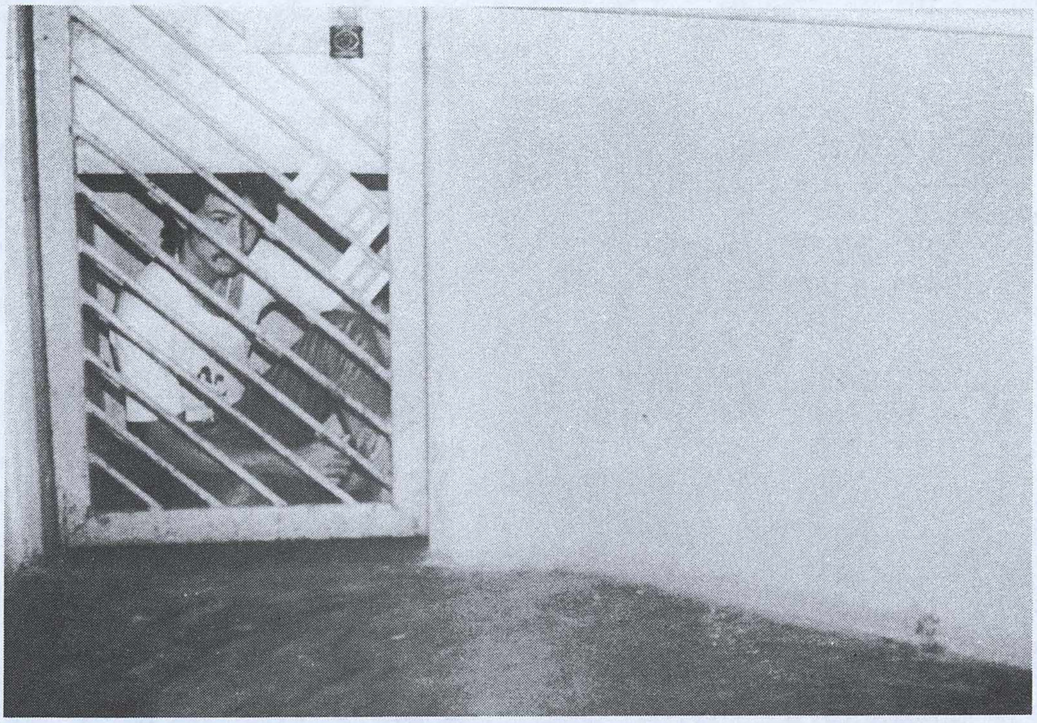
Gaspar Pereira, Nia Martins, Antonio da Silva
Guilherme Keti & Manuel Soares



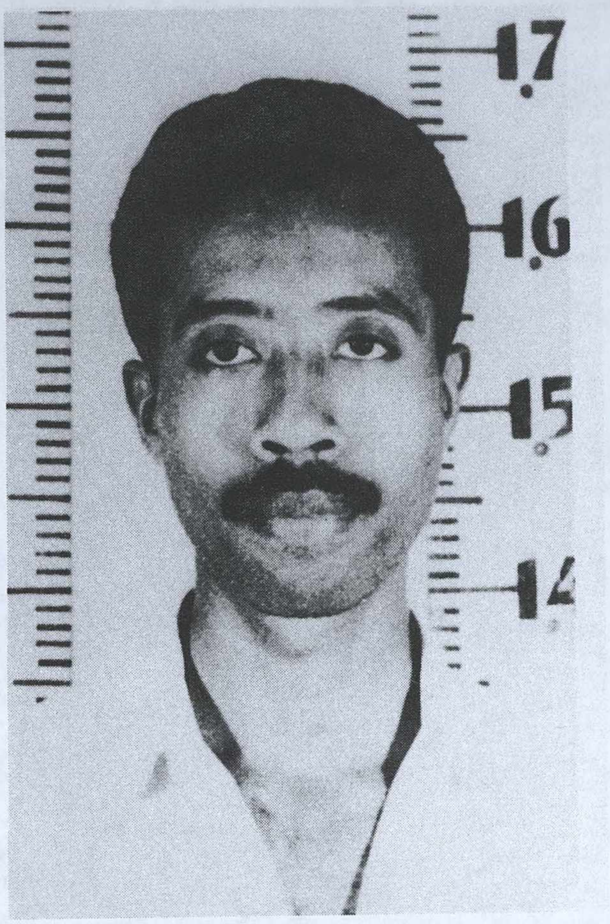
Francisco de Carvalho, Nelson dos Santos
Jose Baptista & Manuel da Crus

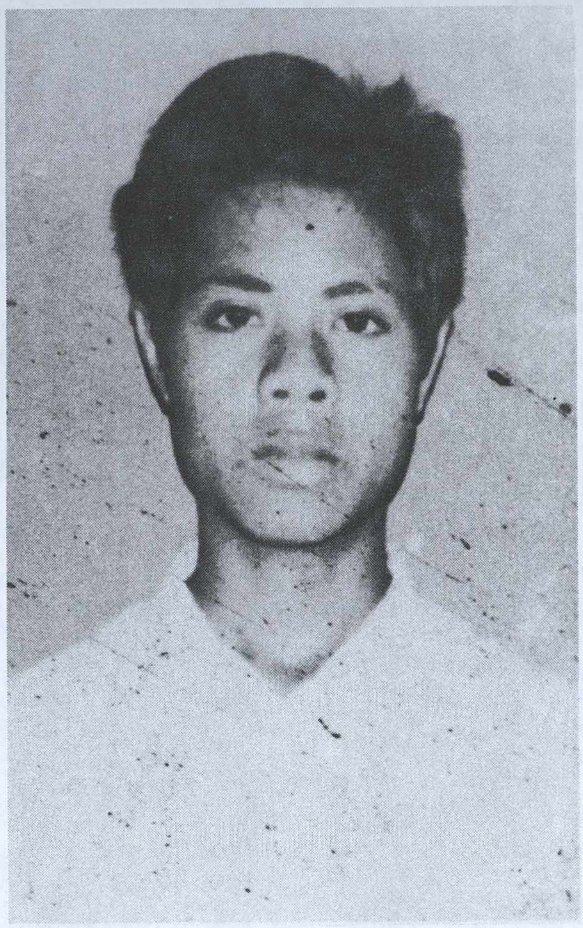

THE RUGBY CUP

Talofo Moniz Alin & Abilio Mesquita

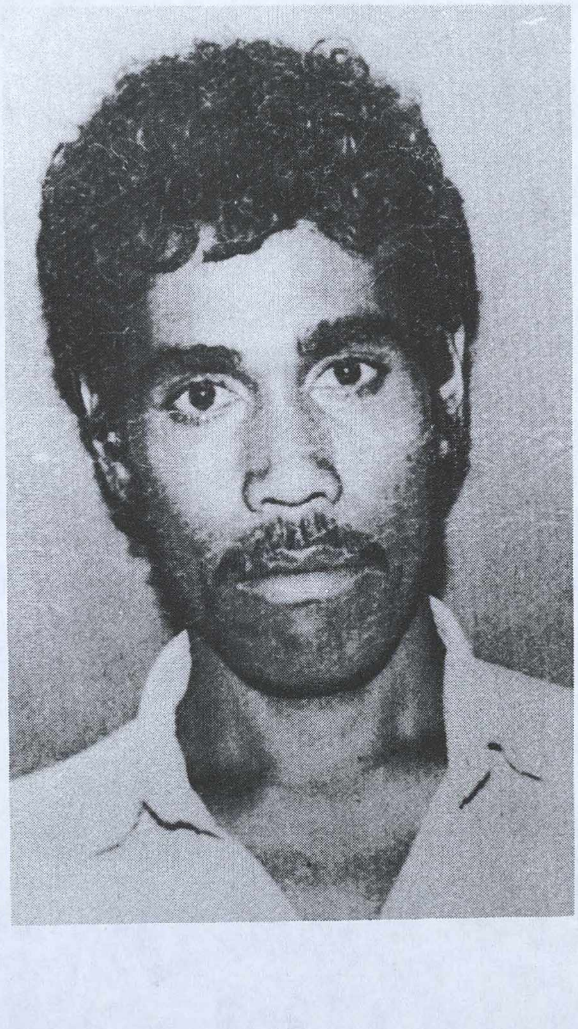


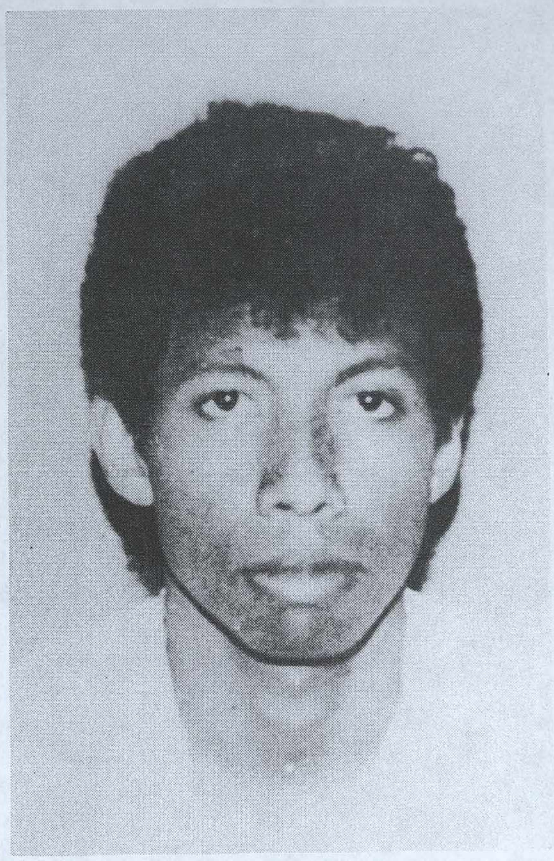
David da Conceicao



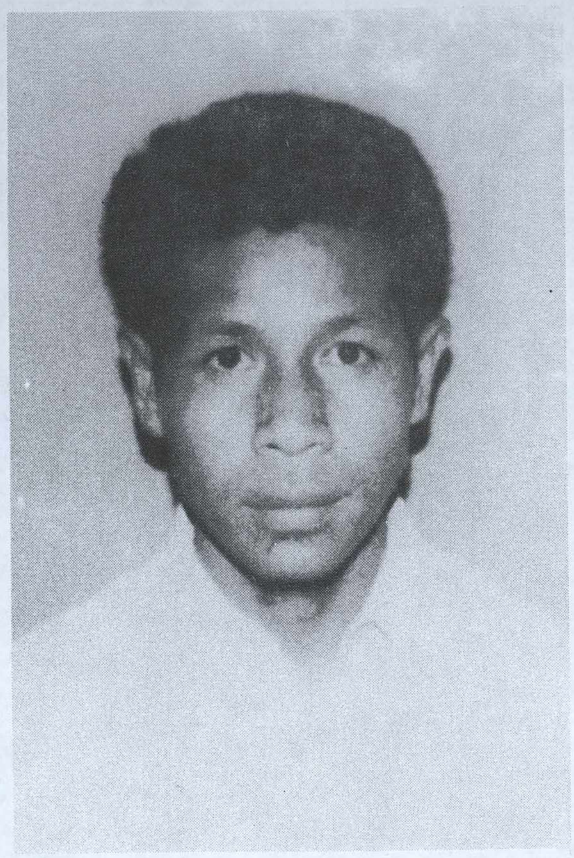


TOP LEFT: Francisco Maria de Sousa
TOP RIGHT: Lourenco Pereira
BOTTOM RIGHT: Clementino Faria

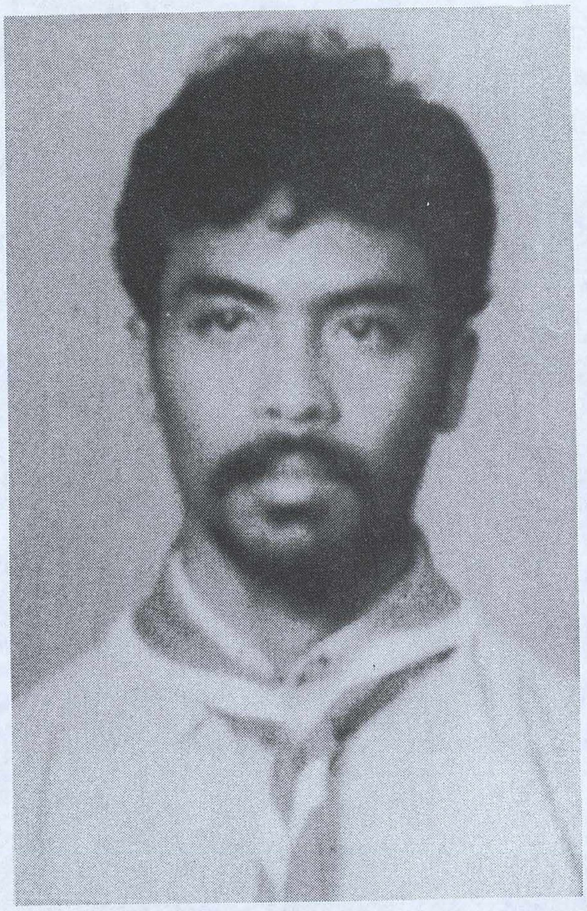




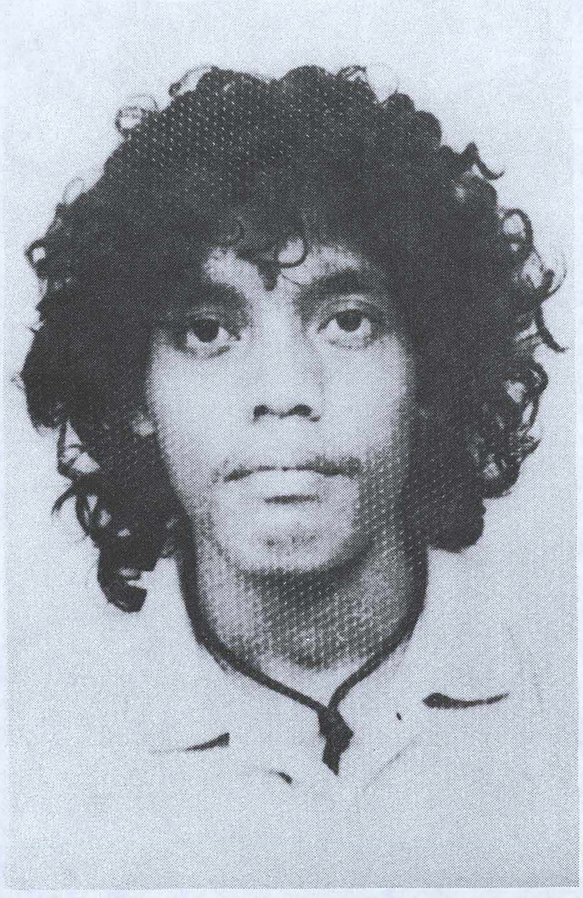
Donaciano da Costa Gomes



Guilherme Pereira



Anatalino Beltrao da Costa



Jose Manuel da Silva Fernandes